

REMARKS

Applicants have amended claims 22, 24, 25, 47 and 48, and canceled claims 42-46 without prejudice. Since the subject matter of those claims is reasonably conveyed by the specification and original claims, there is no issue of new matter. With entry of those amendments, claims 22-41 and 47-49 are pending before the Office.

In a Restriction Requirement, mailed December 23, 2008, the Office required restriction under 35 U.S.C. 121 into Groups I-VII. *Restriction Requirement* at 2. Applicants elect, with traverse, the subject matter of Group I, claims 22-24, allegedly drawn to a process of producing at least one carbon-based structures.

According to the Office, Groups I-VII allegedly lack unity because the cited reference (U.S. Patent No. 6,183,714) demonstrates that the "claimed technical feature does not define a contribution which each of the inventions, considered as a whole, makes over the prior art." *Id.* at 3. Applicants respectfully disagree.

In the instant Response, Applicants have canceled the claims of Group IV (claims 42-44), Group V (claim 45) and Group VI (claim 46) without prejudice. In addition, Applicants have amended the claims of Group I (22-24) and Group VII (claims 48 and 49) to depend directly or indirectly from claim 32 (Group III). Additionally, the claims of Group II (25-31) have been amended to depend directly or indirectly from claim 22 (Group I). Accordingly, all of the pending claims currently depend directly or indirectly from claim 32. Based on those amendments, Applicants submit that the pending claims of Groups I-III and Group VII clearly share at least one common technical feature. For example, each of the pending claims are directed to certain

methods and compositions comprising carbon-based nanostructures. For at least that reason, Groups I-III and VII clearly exhibit a novel, unitary concept.

Applicants expressly reserve the right to pursue any non-elected and/or canceled subject matter in one or more divisional applications.

Pease grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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